REMARKS

This reply is responsive to the office action dated December 10, 2008. Upon entry of this amendment claims 1 and 3-5 are pending. Independent claims 1 and 4 have been amended, and claim 2 is cancelled. Reconsideration of the pending claims in light of the remarks and amendments is respectfully requested.

In the December 10, 2008 office action, the examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over by U.S. Patent Application Publication No. 2002/0068632 to Dunlap. Claims 1 and 4 are independent claims.

I.   **Claims 1 and 3**

Claim 1 has been amended to recite, *inter alia,*

> ". . . providing a first portion of data in [a] game playing terminal at a first time, said first portion of data comprising image data corresponding to [a] present item;
> providing a second portion of data downloaded into said game playing terminal from said server at a second time different from said first time, said second portion of data comprising image data corresponding to said present item, said first portion of data being a part of said image of said present item, said second portion of data being a remaining part of said image of said present item; and
> producing a complete image of said present item by said game playing terminal by synthesizing both the first and second portions of data."

Claim 1 is patentable over Dunlap because that reference fails to disclose, teach or suggest all of the limitations of the claim. Specifically, Dunlap fails to disclose "providing a first portion of data in [a] game playing terminal at a first time, said first portion of data comprising image data corresponding to [a] present item; providing a second portion of data downloaded into said game playing terminal from said server at a second time that is different from said first time . . . and producing a complete image of said present item . . . by synthesizing both the first and second portions of data," as required by claim 1.

Dunlap discloses that a server supplies to a computer terminal information enabling the terminal to generate a display, and that to reduce bandwidth requirements, this data can be supplied in a summary format that is interpreted and expanded by a program running on the computer terminal. (*See* Dunlap, paragraph [0092].) Thus, Dunlap discloses *only* one data portion (the summary image data supplied by the server), and does not disclose the claimed first and second portions of image data where the first portion is in the game playing terminal and the second portion is downloaded into the terminal from the server.

In the office action mailed December 10, 2008, the examiner stated:

> "Dunlap clearly discloses the feature of storing the characteristic data physically in the playing card or can be stored in the server (para 0067 and 0068), further for the enhance security and authentication a user log on or password is required for the system (para 0065), These are the known features that are disclosed by Dunlop if modified would yield in a predictable result such as alternative security feature, therefore it would have been obvious to ordinary skilled artisan at the time of invention to include downloading and comparing images from the server to the game system as an alternative security measure to prevent the alteration of the game data or card value."

(*See* Office Action, 12/10/08, pg. 3, line 19 – pg. 4, line 3.)

Applicants respectfully disagree, since **Dunlap is devoid of any description, suggestion, or motivation of the claimed features of providing two complementary portions of image data, and combining those portions into a complete image of a game item, where neither of the two complementary portions of image data alone can produce the complete image of the game item.**

The examiner appears to be taking official notice that it is well-known to download separate portions of an image, then to recombine them into a complete image, in order to prevent tampering. As stated in the MPEP, however, official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. See MPEP, § 2144.03.

As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute"

Applicants requests that the examiner provide appropriate documentary evidence in the next Office action if the rejection is to be maintained. *See* MPEP 2144.04. If, however, the examiner is relying on personal knowledge to support his finding, he must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. *See id.*

With the claimed invention, the image of a game item ("present item") is produced using two components of image data – the first component resides in the terminal, and the second component is downloaded from the server to the terminal. Thus, it is not possible to produce the image of the "present item" from only the first portion of image data or only the second portion of image data. This enhances the security of the system by preventing a player from tampering with card data to obtain a higher-value card (*e.g.,* altering the card data to obtain an undeserved "rare" card). The claimed invention provides this feature without the need for additional hardware mounted on the game playing terminal.

Dunlap fails to disclose, teach or suggest this feature and thus, applicants request that the 35 U.S.C. § 103(a) rejection of independent claim 1 be withdrawn. With respect to claim 3, which depends from independent claim 1 and recites additional features of the invention, applicants request that the 35 U.S.C. § 103(a) rejection of this claim be withdrawn for the same reasons as stated for claim 1.

II.   Claims 4 and 5

Claim 4 recites, *inter alia,*

> "storing predetermined items . . . as control items in a control item table in . . . said server . . . to prepare a master control item table;
> detecting changed contents of said control item . . . if said contents of said control item is changed in a proceeding of said

game . . . and outputting said detected data to said server through said communication line as control item changed data . . .

loading by said server said contents of said control item table . . . stored in said master control item table into said game playing terminal which said player plays said game two or more times at predetermined time intervals while connecting said game playing terminal and said server with each other through said communication line so as to renew said control item table for said player which is stored in said game playing terminal two or more times at said predetermined time intervals; and

controlling by said each game playing terminal to display said control item . . . on the basis of said data of said control item . . . ; and

reflecting a change of said content of said control item due to a proceeding of said game on said control item table in said game playing terminal without generating a time delay."

Claim 4 is patentable over Dunlap because that reference fails to disclose, either expressly or inherently, all of the limitations of the claim. Specifically, Dunlap fails to disclose "detecting changed contents of said control item . . . if said contents of said control item is changed in a proceeding of said game . . . and outputting said detected data to said server through said communication line as control item changed data . . . loading by said server said contents of said control item table . . . stored in said master control item table into said game playing terminal . . . so as to renew said control item table for said player which is stored in said game playing terminal two or more times at said predetermined time intervals," as required by claim 4.

In the December 10, 2008 office action, the examiner stated

"Dunlap's disclosure of a user authentication password and user character's various data table such as health, strength and player character's lives are considered as control data that are stored in the server and corresponds the appropriate user upon log in (para 0065-0068)."

(*See* Office Action, 12/10/08, pg. 4, lines 5-8.)

The examiner's assertion notwithstanding, **Dunlap is still devoid of any description of the claimed features of: (1) detecting changed contents of a control item, and (2) loading the contents of a control item table from the server to the**

game playing terminal two or more times to renew the control item table two or more times at predetermined time intervals.

If the examiner is taking official notice of these features, applicants requests that the examiner provide appropriate documentary evidence in the next Office action if the rejection is to be maintained. *See* MPEP 2144.04. If, however, the examiner is relying on personal knowledge to support his finding, he must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. *See id.*

With the claimed invention, a player is prevented from unfairly hacking the system to obtain control items such as "rare" cards used in the game. This is because all control items used by a player are renewed/controlled on the *server* side for each player, and a *copy* of the control item table is downloaded to each game terminal. The control item table for each terminal is renewed (using the contents of the master control table located on the server) at periodic time intervals. Thus, even if a player unfairly attempts to obtain a desirable control item (*e.g.,* a "rare" card) by hacking/rewriting data in the control item table on the game playing terminal, the improperly rewritten data is over-written ("renewed") by the correct data downloaded by the server at the next predetermined time interval. In this way, the system deters cheating and hacking.

Dunlap fails to disclose, teach or suggest these features, and thus, applicants request that the 35 U.S.C. § 103(a) rejection of independent claim 4 be withdrawn. With respect to claim 5, which depends from independent claim 4 and recites additional features of the invention, applicants request that the 35 U.S.C. § 103(a) rejection of this claim be withdrawn for the same reasons as stated for claim 4.

The claims are believed to be in condition for allowance, and reconsideration and allowance are respectfully requested.

A fee of **$810.00** is believed to be due for the concurrently filed Request for Continued Examination. The Commissioner is hereby authorized to charge this fee, as well as any other required fees, to deposit account number **04-1679.**

9

Respectfully submitted,

Date: March 2, 2009

/Jeffrey M. Chamberlain/
Jeffrey M. Chamberlain, Esq.
Reg. No. 55,044

DUANE MORRIS LLP
Customer No. 08933

10